

61 Image AF / 1634
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Maertens

Serial No. 09/899,302

Filed: July 6, 2001

For: PROCESS FOR TYPING OF HCV ISOLATES



Atty. Ref.: 2551-102

Group: 1634

Examiner: Whisenant

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 5, 2004

Sir:

INFORMATION DISCLOSURE STATEMENT

The present paper is not filed in response to the Office Action dated January 5, 2004. A response to the Office Action is being considered.

- 1. **PTO-1449 Pursuant to 37 CFR 1.97(b)**
[within 3 months of filing or prior to 1st Office Action on the merits]
N/C
- 2.(a) **Statement Pursuant to 37 CFR 1.97(c)**
[before Final Office Action or Allowance (requires Rule 97(e)
Statement or Rule 17(p) fee)]
N/C
- 2.(b) **Fee Payment Pursuant to 37 CFR 1.97(c)**
[before Final Office Action or Allowance (requires Rule 97(e)
Statement or Rule 17(p) fee)]
\$180.00
- 3. **Pursuant to 37 CFR 1.97(d)**
[after Final Office Action or Allowance (requires Rule 97(e)
Statement and Rule 17(p) fee), but before final fee payment]
\$180.00

The following are submitted in the above-identified application in compliance with 37 C.F.R. §§ 1.97 and 1.98:

4. A list of documents on Form PTO-1449 together with copies of each identified document and a translation or a concise explanation of each non-English language document (such as a Search Report) is enclosed herewith. As noted below, the below certification is made and presented with regard to the attached Castillo et al. (1992) Journal of Virological Methods, vol. 38, no. 1, pp. 71-79. Also attached are a copy of WO92/10588 (25 June 1992 of Fodor) and U.S. Patent No. 6,548,244 which claims benefit from the same application Serial No. 09/378,900 and was examined by the present Examiner. The certification required by Rule 97(e) to assure consideration of these reference (i.e., WO92/10588 and U.S. Patent No. 6,548,244) can not be made however the Examiner is requested, at his discretion, to consider all of the attached references and return an initialed copy of the attached PTO 1449 Form, as confirmation that all of the attached references have been considered. ,

This paper is submitted in accordance with:

- 5. 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
- 6. 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and
 - a) The required Statement made in item 8 below; or
 - b) The \$180.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 9 below.
- 7. 37 CFR §1.97(d): [after Final Office Action or Allowance (requires Rule 97(e) Statement and Rule 17(p) fee), but before final fee payment]; and
 - a) The fee (\$180.00) required by 37 CFR §1.17(p) is submitted herewith; and
 - b) The required Statement is stated in item 8 below.
- 8. Statement under 37 CFR 1.97(e)
- a) The undersigned attorney of record hereby certifies under 37 C.F.R. §1.97(e) that the Castillo et al. (1992) Journal of Virological Methods, vol. 38, no. 1, pp. 71-79, listed on the attached PTO 1449 Form and copy attached was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the

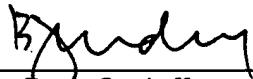
filing of this Information Disclosure Statement (copy attached of EPO Communication dated November 3, 2003, received by the assignee's representative in Europe on November 10, 2003) (i.e., this item contained in this IDS was the first citation of that item by a foreign patent office in a counterpart foreign application which occurred no more than three months prior to the filing of this IDS); or

b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

9. Please charge all deficiency fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By:



B.J. Sadoff

Reg. No. 36,663

1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Form PTO-FB-A820 (Also PTO-1449)